

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ORIGINAL

TRACEY WHITE, et al.,)
)
 Plaintiffs,)
)
 vs.) Cause No. 14-cv-01490-HEA
)
THOMAS JACKSON, et al.,)
)
 Defendants.)

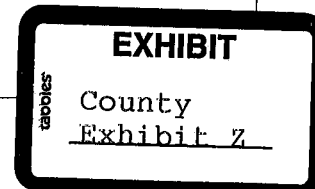
VIDEO DEPOSITION OF ANTAWN HARRIS

Taken on behalf of the Defendants
BELMAR and ST. LOUIS COUNTY

September 30, 2015

Reported by: Christine A. LePage, CCR #1000

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1 take pictures of me. And I finally made it home, my
2 father came over to get me and took me to the hospital.

3 Q So sounds like you weren't there very long
4 before all this happened; is that a fair statement?

5 A Yes.

6 Q And you said it was about a one-minute walk, and
7 then what happened happened pretty quickly after that?

8 A I think -- I was up there at 7 o'clock, it
9 happened around 7:40.

10 Q Okay. So you arrived at 7, it happened at 7:40?

11 A (Witness nods.)

12 Q About?

13 A Yeah.

14 Q Okay. So you hung out there for 40 minutes; is
15 that correct?

16 A Yes.

17 Q And while you're doing that for 40 minutes, tell
18 me who you're with and who you're talking to.

19 A No one, just sitting on the bridge. The Red's
20 Barbecue on the corner and between the QuikTrip, just
21 sitting on the bridge.

22 Q So for 40 minutes you're sitting on the bridge?

23 A Yes.

24 Q And you're talking to no one?

25 A No. If anybody walked past that I knew in the

1 area, you know, of course I would speak, or if somebody
2 keep walking, but I was out there alone.

3 Q Was there anyone that you knew during that
4 40-minute period who walked past that you talked to?

5 A No.

6 Q So for 40 minutes you just stopped and sat down
7 on the bridge watching all the things that were happening;
8 is that correct?

9 A Yes.

10 Q Okay. And there were things happening?

11 A Yes.

12 Q There were, you know, people yelling?

13 A I seen what people were doing, they was like
14 blocking the street or just driving up and down the street
15 or everybody was walking along the sidewalk, just watching
16 what was going on.

17 Q So what was going on? I mean, did you hear like
18 yelling and cursing going on, you know, at police and
19 others?

20 A Just heard people playing radios, talking
21 amongst theyself or in that nature.

22 Q So were there any protests going on?

23 A Yes.

24 Q Yes?

25 A If that's what you call what they doing.

1 Q Well, no, I mean, was there like a group, you
2 know, chanting and carrying signs and someone trying to
3 incite them or encourage them to say or do things or
4 anything like that?

5 A Don't recall.

6 Q Okay. So you didn't see any organized protests
7 going on?

8 A Just saw people everywhere.

9 Q Just people everywhere. So they're playing the
10 radio, they're walking around. Did you hear any gunshots?

11 A No.

12 Q Now, this was near the -- what was the QuikTrip;
13 is that correct?

14 A Yes.

15 Q It had already been burned down?

16 A Yes.

17 Q When was it burned down?

18 A I have no exact idea if that happened on the
19 11th, it had to happen around the 10th or the 9th.

20 Q Okay. So it wasn't that long ago that the
21 QuikTrip had been burned down on West Florissant; is that
22 correct?

23 A Yes.

24 Q That's West Florissant and Northwinds, I think,
25 is the QuikTrip?

1 A Yeah.

2 Q How far is that from Canfield?

3 A Another two-minute walk, or one minute, not that
4 far.

5 Q One- or two-minute walk, okay. And did you
6 notice any other buildings that were damaged or looted
7 or --

8 A At the time, no.

9 Q Well, I mean -- Well, how about earlier that day
10 or the day before or the day before that?

11 A Yes.

12 Q Okay. There had -- So there had been damage to
13 property that was going on for a couple days before --

14 A Yeah.

15 Q -- August 11th; is that correct?

16 A Yes.

17 Q And were you around, did you go out in that area
18 when damage to property was taking place?

19 MR. LATTIMER: Objection as to relevance and
20 materiality. You can answer.

21 Q (by Mr. Hughes) You can answer.

22 A No.

23 Q So, I mean, did you -- How did you know there
24 was damage to property if you didn't walk around and look
25 at it?

1 A The news, it was on the news, my parents called
2 me, everybody came over to my apartment and make sure that
3 we was all right, because we stayed in the area.

4 Q Yeah.

5 A We was just outside on the front.

6 Q Yeah. When you're outside in the front, could
7 you hear noise and --

8 A Can hear gunshots and noise, police sirens,
9 helicopters.

10 Q About how many days do you think that had been
11 going on, you know, where you heard gunshots and noise and
12 helicopters for?

13 A I don't know. I'd say about a month or two.

14 Q Were rocks -- On August 11th, did you see rocks
15 being thrown?

16 A No.

17 Q And bottles?

18 A No.

19 Q Now, you talked about there were -- you
20 mentioned, I think, that there were announcements to
21 disperse?

22 A Yes.

23 Q And we're talking about, what was that, Monday,
24 August 11th, I think it's a Monday?

25 A Yes.

1 Q How many orders to disperse did you hear?

2 A I didn't hear the orders, I just saw the tear
3 gas, I just know that that means to disperse or leave,
4 and, as I said, I was on the corner of Red's Barbecue,
5 they started from McDonald's coming down.

6 Q So how far down is it from Red's Barbecue down
7 to McDonald's?

8 A Another minute walk. Everything is just within
9 each other, just walk everywhere.

10 Q So you're watching what's going on with the
11 police coming down?

12 A Yes, by that time I was filming.

13 Q Huh?

14 A I said, yes, by that time I was filming.

15 Q You were filming. What were you filming with?

16 A My cell phone.

17 Q So you're filming with your cell phone. Are you
18 filming the -- what's going on with police moving the
19 crowd from the area of McDonald's down towards Red's
20 Barbecue?

21 A Yes.

22 Q So how big of a crowd would you estimate there
23 was that the police were moving down to the McDonald's
24 down West Florissant?

25 A Just the crowd of people who was outside, ain't

1 no telling how many people it would have been.

2 Q No telling?

3 A About a good 40 to more cars probably, people
4 walking.

5 Q Okay. Would you say 75, 100 people, or more or
6 less?

7 A I'd give a little more, but not that much.

8 Q Okay. I guess it takes a while to move that
9 size of a crowd; is that correct?

10 A Yeah.

11 Q So you were just, you know, sitting there
12 watching what was going on with the crowd being moved,
13 maybe a little more than a hundred people --

14 MR. LATTIMER: Objection, mischaracterizes.

15 Q (by Mr. Hughes) -- down the street?

16 MR. LATTIMER: Mischaracterizes, what he said
17 was filming.

18 Q (by Mr. Hughes) I'm sorry, you're filming,
19 you're right. You're, I think, watching and filming,
20 watching while you're filming; is that correct?

21 A Yes.

22 Q Okay. By the way, speaking of the filming, did
23 you give all of what you filmed to your attorney?

24 A Yes.

25 Q Okay.

1 MR. HUGHES: Is that what I got this morning? I
2 got five things this morning from you. I think it
3 was five.

4 MR. LATTIMER: Those are the things that he was
5 able to extract from the phone, so you got what we got.

6 MR. HUGHES: Okay. So, I mean, I got -- This
7 morning I watched some things, so that's what we're
8 talking about, all that what he was filming; is that
9 correct?

10 MR. LATTIMER: As far as I know, right.

11 Q (by Mr. Hughes) I mean, well, I don't recall,
12 but maybe it's there, I was doing other work and I tried
13 to watch it real quickly, but I don't recall that you were
14 filming the crowd moving down the street. But if you
15 were, maybe you weren't able to extract it anymore. Were
16 you filming that, filming the crowd moving down the
17 street?

18 A Yes, I was filming from the police walking down
19 the street, the crowd going down the street, and I just
20 stopped, I didn't record everybody who going into
21 Canfield, it just stopped at a certain point at the
22 corner.

23 Q Yeah, all right. But and you -- Did you give
24 that to your attorney?

25 A Yeah.

1 Q Okay.

2 A They have the whole phone.

3 Q All right. Well, I'll look for it. So tell me
4 everything you think is on the film that you recorded with
5 your cell phone.

6 A Everything that I recorded on my cell phone with
7 them coming down from McDonald's throwing tear gas, people
8 leaving, and then as they make their way towards me as
9 they get closer, there was a guy getting pushed to the
10 ground, he had his hands up, they started going through
11 his book bag. I was right across -- like directly across
12 the street just filming, I had one hand in the air, I had
13 my right hand holding my phone, and he just looked across
14 the street and shot me in the face.

15 I had walked off, asking for help, two people
16 tried to bend me behind the car, tried to say hide behind
17 the car, and I told them that I stayed down in the street
18 in Canfield Green apartments, could you all walk me home,
19 and they walked me home.

20 Q All right. Now, you know, you say police. Can
21 you identify who those police were?

22 A No. They had on their riot gear, and some
23 people say that it's not Ferguson, that it supposed to
24 been St. Louis County that was patrolling us.

25 Q Some people said that?

1 street?

2 A Is you asking me that the St. Louis -- I mean,
3 that nurse told me that it supposed --

4 Q No, it was an awful long question, so I
5 apologize. Do you have any evidence that this was a
6 St. Louis County unit that went by or that this was a
7 St. Louis County police officer?

8 A No.

9 Q Okay.

10 A Besides the evidence that's on the video, if you
11 call that evidence.

12 Q Okay. I guess I'll look at the video, but it
13 was just furnished to me by e-mail, I just saw it briefly
14 this morning. Was there anything on that video that
15 indicates that this was a St. Louis County unit?

16 A From my knowledge, don't County wear a khaki
17 top?

18 Q Well, when I say unit, first of all, I'm talking
19 about the vehicle that went down there. Did you see a
20 vehicle that went down the street or not?

21 A I believe that's when they had that -- the armor
22 tank.

23 Q Well, I'll call it the city SWAT tactical
24 vehicle.

25 MR. LATTIMER: Okay.

1 Q (by Mr. Hughes) You want to call it the armored
2 tank, but did you see an armored tank?

3 A I believe so.

4 Q You believe so?

5 A (Witness nods.)

6 Q Okay.

7 A They didn't drive nothing down the street, they
8 walked all the way down the street.

9 Q Okay. So you didn't see an armored tank go down
10 the street?

11 A No, I'm saying if it's on the video from me
12 being parked up the street, they walked down the street
13 when they got to me.

14 Q So on the video you don't see any armored
15 vehicle, right?

16 A I don't recall.

17 Q Okay. But you say you do see an officer?

18 A Yes.

19 Q And the officer was wearing what?

20 A Riot gear.

21 Q Okay. Anything else?

22 A No.

23 Q All right. But you can't say if that was
24 St. Louis County officer or not?

25 A No.

1 A This picture was when I first got to my parents'
2 house when my dad came to pick me up, and I took the
3 picture before we went to the hospital.

4 Q Well, who took -- You took the picture yourself?

5 A Yes.

6 Q Of yourself?

7 A Yes.

8 Q How do you do that?

9 A With my camera phone, the same phone that I used
10 to record the polices or the action, and I just turned it
11 around and used the selfie.

12 Q So you just kind of put your hand out in front
13 of you and --

14 A Yes.

15 Q -- took your picture? How many pictures did you
16 take?

17 A Just that one.

18 Q Just that one?

19 A (Witness nods.)

20 Q Okay. So that was taken how long after the
21 incident where you got --

22 A Ten minutes.

23 Q About ten minutes?

24 A (Witness nods.)

25 Q So you got hit with something, and it looks like

1 on your tip of your nose; is that correct?

2 A Yes.

3 Q And then you -- And then someone -- these two
4 women walked you home, and then ten minutes after you were
5 hit you took a picture; is that correct?

6 A Yes.

7 Q All right. And, now, at the time you got hit
8 with something, I'm trying to recall what you said, it
9 sounded like you were sitting on the curb or sitting on
10 the bridge?

11 A At the time when I was hit?

12 Q Yes.

13 A No, I was standing outside of Red's Barbecue.

14 Q All right. But I know at some point you said I
15 think you were sitting on a bridge?

16 A That's when I first went outside.

17 Q Okay. So at the time you were hit you were
18 standing?

19 A Yes.

20 Q And that was by Red's Barbecue?

21 A Yes.

22 Q And there were people in the crowd throwing
23 rocks and bricks; isn't that correct?

24 A No. And I wasn't standing by a crowd, I was
25 standing next to a reporter, closer to the police officers

1 Q And then someone else said maybe a rubber
2 bullet?

3 A I don't know.

4 Q And but at the time it happened you didn't know
5 what --

6 A From my knowledge at the time when it happened,
7 I didn't know if it was a rubber bullet or a real bullet.
8 You know how some people just don't die or, you know,
9 anything of that nature, like I don't know what I was hit
10 with, I couldn't see, I couldn't open my eyes.

11 Q Yeah. Well, let's just assume for a minute that
12 it was a, what you call, a rubber bullet, okay?

13 A (Witness nods.)

14 Q Did you look -- Did you retrieve the rubber
15 bullet that hit you at the tip of your nose?

16 A No, I wasn't able to see.

17 Q Did anyone -- I could hear voices saying, you
18 know, maybe it was a BB, maybe it was a rock, maybe it was
19 a rubber bullet. Did anyone look around, to your
20 knowledge, to see if there was anything laying on the
21 ground?

22 A No, them people was too busy trying to hide
23 behind the cars after I was shot and just was steady
24 leaving.

25 Q You know, this woman that you're talking about

1 Q And then someone else said maybe a rubber
2 bullet?

3 A I don't know.

4 Q And but at the time it happened you didn't know
5 what --

6 A From my knowledge at the time when it happened,
7 I didn't know if it was a rubber bullet or a real bullet.
8 You know how some people just don't die or, you know,
9 anything of that nature, like I don't know what I was hit
10 with, I couldn't see, I couldn't open my eyes.

11 Q Yeah. Well, let's just assume for a minute that
12 it was a, what you call, a rubber bullet, okay?

13 A (Witness nods.)

14 Q Did you look -- Did you retrieve the rubber
15 bullet that hit you at the tip of your nose?

16 A No, I wasn't able to see.

17 Q Did anyone -- I could hear voices saying, you
18 know, maybe it was a BB, maybe it was a rock, maybe it was
19 a rubber bullet. Did anyone look around, to your
20 knowledge, to see if there was anything laying on the
21 ground?

22 A No, them people was too busy trying to hide
23 behind the cars after I was shot and just was steady
24 leaving.

25 Q You know, this woman that you're talking about

1 on the right of the photograph of Exhibit G-1, had you
2 seen her before, before this happened to you?

3 A No.

4 Q I mean, were you aware that she was cursing at
5 police and trying to incite people?

6 A No.

7 Q But you just didn't see her at all, right?

8 A No.

9 Q Okay. Now, looking at Exhibit G-2, your
10 photograph that you took yourself, had you, before you
11 took the photograph, had you wiped off your face or
12 anything with a towel?

13 A No.

14 Q Okay. So the way you look in Exhibit 2 and the
15 way you look in Exhibit G-1 is how you looked that night,
16 you know, you hadn't cleaned up or anything, right?

17 A No.

18 Q That's correct?

19 A No.

20 Q That's correct?

21 A I mean, yeah, as in you're saying is that
22 correct, but I didn't clean my face or anything, no.

23 Q Yeah, yeah, okay. Do you have a better
24 photograph than this, you know, that --

25 A No.

1 Q So the best quality photo that you have looks
2 pretty much like G-2; is that right? Looks like that?
3 You don't have anything better than that?

4 A No.

5 Q Okay. And looking at G-1 and G-2, I don't see
6 any tearing in your face. So you did not have tears
7 coming down your face; is that correct?

8 A Yes, this picture you can tell it looked like I
9 was crying.

10 Q On Exhibit G-1?

11 A Yes.

12 Q Did you have tears?

13 A Yes.

14 Q Okay. Can you describe them?

15 A It was just burning and just running down my
16 face, I didn't know what was running down my face.

17 Q Okay. You don't have any powder on your face;
18 is that correct?

19 A No.

20 Q You didn't have any powder spray?

21 A No.

22 Q Okay. So would you agree if this was a rubber
23 bullet, you're just -- I mean, you're just speculating it
24 was a rubber bullet, you don't really know one way or the
25 other?

1 and I went to Northwest, which is around the corner off
2 270 and I believe Dunn Road.

3 Q Okay, wait. He got you, that was your father?

4 A Yes.

5 Q And then he took you to his house?

6 A Yes.

7 Q And then the picture was taken there?

8 A Yes.

9 Q And but it's all close together?

10 A Yes.

11 Q So it doesn't take long?

12 A No.

13 Q And then how long did you stay at your parents'
14 house, or how long did you stay at his house?

15 A Probably like five minutes.

16 Q Okay. And then you went to the hospital?

17 A Yes.

18 Q Which hospital?

19 A Northwest, off of Dunn Road.

20 Q Is that Christian Northwest?

21 A Yeah.

22 Q And then you walked into the emergency room by
23 yourself?

24 A No, he walked in with me.

25 Q Yeah, well, I mean, he wasn't carrying you or

1 area, and my father told them what happened and what area
2 I was in, where I lived at, and then we have an attorney,
3 then he called his attorney or whatever happened, and they
4 just told me best thing to do is stay in the house and
5 left.

6 Q Okay. And then finally you saw a nurse, and --
7 at some point; is that correct?

8 A Yes.

9 Q And it looks like the nurse's notes are about
10 10:16 p.m. Does that sound relatively accurate to you?

11 A No.

12 Q Huh?

13 A No.

14 Q No. What time do you think you saw a nurse?

15 A Like 8. That was probably my discharge papers
16 from being there so long or just the wait.

17 Q I guess the time isn't that important. But you
18 remember it was more like 8:16 rather than 10:16?

19 A Yeah. Yes.

20 Q Okay. The nurse wrote that you did not lose
21 consciousness, so I assume that's correct?

22 A Yes.

23 Q I assume when the nurse asked you questions you
24 tried to give honest answers?

25 A Yes.

1 Q Yeah, okay. So when she asked you if you lost
2 consciousness, you said no, you gave an honest answer?

3 A Yes.

4 Q Okay. And then she also put denies visual
5 changes, but you also reported that your eyelid feels
6 heavy; does that sound accurate?

7 A Yes. And she told me if any closer, like just
8 this come from the swelling when it first had hit me, she
9 told me any closer to the left or the right that could
10 have put out my eye, and any lower that it could have
11 broke my nose.

12 Q Either someone was a very good aim or you were
13 very lucky, huh?

14 A Either-or, if that's what you call lucky, right
15 in the middle of your face.

16 Q Yeah, right in the middle -- Well, just looking
17 at the picture, it's right at the tip -- at the top of
18 your nose; is that correct?

19 A Yeah. The dent's still there.

20 Q It's what?

21 A The mark's still right here, (indicating).

22 Q The nurse wrote that you told her it was
23 difficult to open your eyes for about ten minutes, so I
24 think that's what you just told us also, but does that
25 sound correct?

1 A Yes, that's when they was helping me home.

2 Q Yeah. And you're right, I did have the time
3 wrong. I saw one record that you were admitted to the
4 emergency room at 9:26, maybe they did not admit you until
5 you talked to the police officer first, you were admitted
6 at 9:26 and you were discharged at 11:05 p.m. Does that
7 sound relatively accurate as to the amount of time that
8 you spent actually with doctors or nurses?

9 A Yes.

10 Q Okay. And it looks like they -- when they
11 discharged you, they wrote your condition's satisfactory
12 and you should follow up with another doctor in the next
13 two to four days if the condition is not improved, and
14 they gave a name of a doctor. Did you go to any doctor?

15 A No.

16 Q Okay. Did you ever get a prescription filled
17 for this anywhere?

18 A No.

19 Q You posted your photo on Facebook two days after
20 the incident; is that -- does that sound correct?

21 A No, I uploaded it the same day it happened.

22 Q Oh, the same day, okay. And then also you
23 posted on -- your photo on Twitter on the day that it
24 happened?

25 A Yeah.

1 November -- since August 11th, 2014; is that correct?

2 A Yes.

3 Q And you had -- You went there for a different
4 problem that you had that was not related --

5 A Yes.

6 Q -- to what happened on West Florissant?

7 A (Witness nods.)

8 Q Okay. But you were examined?

9 A Yes.

10 Q Okay. And when you were examined subsequently,
11 you reported you had normal vision?

12 A Yes.

13 Q Okay. And other than your complaint, which I
14 think it was related to urinating, you had no other
15 complaints that you brought to the attention of the health
16 care people; is that correct?

17 A Yes.

18 Q Okay. And I think we covered this, you listed
19 the witnesses who observed your injuries, and the names
20 you listed were your mother, your father, and your
21 girlfriend; is that correct?

22 A Yes.

23 Q Okay. And just so we all understand, you were
24 not arrested by any police department that night?

25 A No.

1 Q Do you remember what color?

2 A I want to say a light blue shirt.

3 Q Okay. All of them wearing the same uniform?

4 A Yes.

5 Q At the time you spoke with them, did you ask
6 them to identify what agency they were with or do you just
7 not remember now?

8 A No, I didn't ask that at all.

9 Q I don't have any questions.

10

11 REDIRECT EXAMINATION

12 QUESTIONS BY MR. HUGHES:

13 Q And just so -- I think we covered this, but you
14 went to the emergency room on the night of the incident --

15 A Yes.

16 Q -- and was treated for the area on top your
17 nose, right?

18 A Yes.

19 Q And since then you've never been to any other
20 doctor --

21 A No.

22 Q -- or health care provider or clinic --

23 A Relating to the injury, no.

24 Q -- related to that injury, okay. That's all.

25 Thank you very much, sir.

1 A All right.

2

3

CROSS-EXAMINATION

4 QUESTIONS BY MR. LATTIMER:

5 Q A couple questions I want to clear up. They
6 keep talking about the tip of your nose, and I'm looking
7 at that, and that looks -- the tip of your nose would
8 be --

9 A The bottom.

10 Q -- the bottom, and where -- the injury I see, is
11 that the bridge of the nose or the tip of the nose?

12 A The bridge.

13 Q Okay.

14 MR. HUGHES: Thank you, Mr. Lattimer, very good.
15 I stand corrected.

16 Q (by Mr. Lattimer) And then counsel talks about
17 that you were hit with something. Now, you were videoing;
18 is that right?

19 A Yes.

20 Q Now, before you were hit with the something,
21 what did you see immediately before that?

22 A I know exactly what hit me, I saw the officer,
23 and you can hear the gunshot on the video that he shot me
24 in the face.

25 Q Okay. So you actually saw an officer aim a